

May 14, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOSE F. D.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

NO: 1:18-CV-03191-FVS

ORDER GRANTING STIPULATED  
MOTION FOR REMAND

BEFORE THE COURT is the parties' Stipulated Motion for Remand pursuant to sentence four of 42 U.S.C. §405(g). ECF No. 14. The Plaintiff is represented by Attorney Thomas A. Bothwell. The Defendant is represented by Special Assistant United States Attorney Daphne Banay.

After consideration, **IT IS HEREBY ORDERED** that the Stipulated Motion for Remand, ECF No. 14, is **GRANTED**. The Commissioner's final decision is reversed and remanded for further proceedings pursuant to sentence four of 42 U.S.C. §405(g). Upon remand to the Commissioner of Social Security, the Appeals Council should remand this case to the Administrative Law Judge (ALJ) for a de novo hearing and a new decision. On remand, the ALJ shall (1)

ORDER ~ 1

1 provide Plaintiff with an opportunity to submit additional evidence; (2) further  
2 evaluate whether Plaintiff has engaged in substantial gainful activity since the  
3 alleged onset date; (3) further consider whether Plaintiff's impairment(s) meet or  
4 equal a listing; (4) seek supplemental vocational expert evidence to determine  
5 whether there are a significant number of jobs in the national economy that  
6 Plaintiff can perform; and (5) identify and resolve any conflicts between the  
7 occupational evidence provided by the vocational expert and information in the  
8 Dictionary of Occupational Titles ("DOT").

9 The parties stipulate that this case be reversed and remanded to the ALJ on  
10 the above grounds pursuant to sentence four of 42 U.S.C. § 405(g). Therefore, the  
11 matter is remanded to the Commissioner for additional proceedings pursuant to  
12 sentence four 42 U.S.C. 405(g). Upon proper presentation, this Court will consider  
13 Plaintiff's application for costs and attorney's fees under 28 U.S.C. § 2412(d).

14 It is **FURTHER ORDERED** that Plaintiff's Motion for Summary  
15 Judgment, ECF No. 10, is **DENIED** as moot, given the parties' motion for remand.

16 The District Court Executive is hereby directed to enter this Order and provide  
17 copies to counsel, enter judgment in favor of the Plaintiff, and **CLOSE** the file.

18 **DATED** May 14, 2019.

19  
20 s/ Rosanna Malouf Peterson  
21 ROSANNA MALOUF PETERSON  
United States District Judge